

close proximity to, or that has had physical contact with a symptomatic plant.

(3) Samples will be labeled and sent for testing to a laboratory approved by APHIS, and must be found free of *Phytophthora ramorum* prior to the interstate movement of any regulated articles contained in the shipment.

(4) If any plants intended for interstate movement are found to be infected with *Phytophthora ramorum*, the nursery from which they originate will be prohibited from moving regulated articles interstate until such as time as an inspector can determine that the nursery is free of *Phytophthora ramorum*.

Subpart—Oriental Fruit Fly

SOURCE: 58 FR 8521, Feb. 16, 1993, unless otherwise noted.

§ 301.93 Restrictions on interstate movement of regulated articles.

No person shall move interstate from any quarantined area any regulated article except in accordance with this subpart.¹

[58 FR 8521, Feb. 16, 1993, as amended at 66 FR 21053, Apr. 27, 2001]

§ 301.93–1 Definitions.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Certificate. A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of Oriental fruit fly and may be moved interstate to any destination.

¹Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

Compliance agreement. A written agreement between the Animal and Plant Health Inspection Service and a person engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart.

Core area. The 1 square mile area surrounding each property where Oriental fruit fly has been detected.

Day degrees. A mathematical construct combining average temperature over time that is used to calculate the length of an Oriental fruit fly life cycle. Day degrees are the product of the following formula, with all temperatures measured in °F:

$$[(\text{Minimum Daily Temp} + \text{Maximum Daily Temp})/2] - 54^{\circ} = \text{Day Degrees}$$

Drip area. The area under the canopy of a plant.

Infestation. The presence of the Oriental fruit fly or the existence of circumstances that make it reasonable to believe that the Oriental fruit fly is present.

Inspector. Any employee of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document, in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is eligible for interstate movement in accordance with § 301.93–5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Moved (Move, Movement). Shipped, offered for shipment, received for transportation or transported, carried, or allowed to be moved, shipped, transported, or carried by any means.

Oriental fruit fly. The insect known as Oriental fruit fly (*Bactrocera dorsalis* (Hendel)) in any stage of development.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Quarantined area. Any State, or any portion of a State, listed in § 301.93–3(c) of this subpart.

Regulated article. Any article listed in § 301.93–2 of this subpart or otherwise

designated as a regulated article in accordance with § 301.93-2(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.93-3(b) of this subpart.

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory or possession of the United States.

[58 FR 8521, Feb. 16, 1993; 58 FR 29028, May 18, 1993]

§ 301.93-2 Regulated articles.

The following are regulated articles:

(a) The following fruits, nuts, vegetables, and berries:

Akia (*Wikstroemia phyllaefolia*)
 Alexander laurel (*Calophyllum inophyllum*)
 Apple (*Malus sylvestris*)
 Apricot (*Prunus armeniaca*)
 Avocado (*Persea americana*)
 Banana (*Musa paradisiaca* var. *sapientum*) (*Musaxparadisiaca*)
 Banana, dwarf (*Musa nana*)
 Barbados cherry (*Malpighia glabra*)
 Bell pepper (*Capsicum annum*)
 Brazil cherry (*Eugenia dombeyi*)
 Breadfruit (*Artocarpus altilis*)
 Cactus (*Cereus coarulescens*)
 Caimitillo (*Chrysophyllum oliviforme*)
 Cashew (*Anacardium occidentale*)
 Cherimoya (*Annona Cherimola*)
 Cherry, Catalina (*Prunus ilicifolia*)
 Cherry, Portuguese (*P. lusitanica*)
 Chile (*Capsicum annum*)
 Coffee, Arabian (*Coffea arabica*)
 Country gooseberry (*Averrhoa carambola*)
 Cucumber (*Cucumis sativas*)
 Custard apple (*Annona reticulata*)
 Date palm (*Phoenix dactylifera*)
 Dragon tree (*Dracena draco*)
 Eggfruit tree (*Pouteria campechiana*)
 Elengi tree (*Mimusops elengi*)
 Fig (*Ficus carica*)
 Gourka (*Garcinia celebica*)
 Granadilla, sweet (*Passiflora ligularis*)
 Grape (*Vitis* spp.)
 Grapefruit (*Citrus paradisi*)
 Guava (*Psidium guajava*), (*P. littorale*), (*P. cattleianum*)
 Imbu (*Spondias tuberosa*)
 Jackfruit (*Artocarpus heterophyllus*)
 Jerusalem cherry (*Solanum pseudocapsicum*)
 Kitembilla (*Dovyalis hebecarpa*)
 Kumquat (*Fortunella japonica*)
 Laurel (*Calophyllum inophyllum*)
 Lemon (*Citrus limon*)
 Lime, key or Mexican (*Citrus aurantifolia*)
 Lime, Persian (*Citrus latifolia*)
 Lime, sweet (*Citrus limetoides*)
 Longan (*Euphoria longan*)
 Loquat (*Eriobotrya japonica*)
 Lychee nut (*Lychee chinensis*)
 Malay apple (*Eugenia malaccensis*)

Mammee apple (*Mammea americana*)
 Mandarin orange (*Citrus reticulata*) (*tangerine*)
 Mango (*Mangifera indica*)
 Mangosteen (*Garcinia mangostana*)
 Mock orange (*Murraya exotica*)
 Mulberry (*Morus nigra*)
 Myrtle, downy rose (*Rhodomyrtus tomentosa*)
 Natal plum (*Crissa grandiflora*)
 Nectarine (*Prunus persica* var. *nectarina*)
 Oleander, yellow (*Thevetia peruviana*)
 Orange, calamondin (*Citrus reticulata* x. *fortunella*)
 Orange, Chinese (*Fortunella japonica*)
 Orange, king (*Citrus reticulata* x. *C. sinensis*)
 Orange, sweet (*Citrus sinensis*)
 Orange, Unshu (*Citrus reticulata* var. *Unshu*)
 Oriental bush red pepper (*Capsicum frutescens abbreviatum*)
 Otaheite apple (*Spondias dulcis*)
 Palm, syrup (*Jubaea spectabilis*)
 Papaya (*Carica papaya*)
 Passionflower (*Passiflora edulis*)
 Passionflower, softleaf (*Passiflora mollissima*)
 Passionfruit (*Passiflora edulis*) (yellow *lilikoï*)
 Peach (*Prunus persica*)
 Pear (*Pyrus communis*)
 Pepino (*Solanum muricatum*)
 Pepper, sweet (*Capsicum frutescens* var. *grossum*)
 Persimmon, Japanese (*Diospyros kaki*)
 Pineapple guava (*Feijoa sellowiana*)
 Plum (*Prunus americana*)
 Pomegranate (*Punica granatum*)
 Prickly pear (*Opuntia megacantha*) (*Opuntia ficus indica*)
 Prune (*Prunus domestica*)
 Pummelo (*Citrus grandis*)
 Quince (*Cydonia oblonga*)
 Rose apple (*Eugenia jambos*)
 Sandalwood (*Santalum paniculatum*)
 Sandalwood, white (*Santalum album*)
 Santol (*Sandericum koetjape*)
 Sapodilla (*Manilkara zapota*)
 Sapodilla, chiku (*Manilkara zapota*)
 Sapota, white (*Casimiroa edulis*)
 Seagrape (*Coccoloba uvifera*)
 Sour orange (*Citrus aurantium*)
 Soursop (*Annona muricata*)
 Star apple (*Chrysophyllum cainito*)
 Surinam cherry (*Eugenia uniflora*)
 Tomato (*Lycopersicon esculentum*)
 Tropical almond (*Terminalia catappa*) (*Terminalia chebula*)
 Velvet apple (*Diospyros discolor*)
 Walnut (*Juglans hindsii*)
 Walnut, English (*Juglans regia*)
 Wampi (*Citrus lansium*)
 West Indian cherry (*Malpighia punicifolia*)
 Ylang-Ylang (*Cananga odorata*)

Any fruits, nuts, vegetables, or berries that are canned or dried or frozen